

DECEMBER 13, 2001

**CHOICE ONE COMMUNICATIONS OF  
MAINE, INC.**

Petition for Finding of Public Convenience  
and Necessity to Amend Certificate to Include  
Facilities-Based Local Exchange Service

**ORDER GRANTING AUTHORITY TO  
AMEND CERTIFICATE TO PROVIDE  
FACILITIES-BASED LOCAL EXCHANGE  
SERVICE**

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WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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In this Order, the Commission amends Choice One Communications of Maine, Inc. (Choice One or Company) certificate to include authority to provide facilities-based competitive local exchange service in the Verizon-Maine service area(s) currently served by Fairpoint Communications.

**I. APPROVAL OF APPLICATION TO SERVE**

On October 12, 2001, pursuant to 35-A M.R.S.A. §§ 2102 and 2105, Choice One filed a petition requesting that the Commission amend Choice One's certificate of authority in Maine to include facilities-based local exchange telephone service in Maine. Previously, on May 16, 2000, in Docket No. 99-428, the Commission granted Choice One authority to provide resold local exchange service as well as facilities-based and resold interexchange service. We have previously found that Choice One is qualified to provide local and interexchange service. We therefore find that its financial and management capabilities are adequate to provide local services in Maine.

**II. SERVICE TERRITORY**

Choice One initially requested authority to provide facilities-based local exchange service in all areas served by Verizon-Maine. It subsequently informed the Commission that it would be purchasing Fairpoint Communications, a CLEC who is currently certified to provide facilities based service in the Portland, Lewiston, Waterville, Augusta, Bangor, Rockland, Scarborough, Camden, Brunswick, Sanford, Ellsworth, and Biddeford exchanges of Verizon Maine. Because Choice One will be assuming control over Fairpoint's numbering resources, we will authorize Choice One to provide facilities based service in the rate centers listed above. If Choice One wishes to expand its facilities-based local exchange service area in the future, it shall seek such approval pursuant to 35-A M.R.S.A. § 2102, requesting the Commission to amend this Order.

Any such request must specify the specific exchanges where it proposes to offer service and include information establishing a readiness to provide facilities-based local exchange service within six months in the specifically identified areas.

### **III. APPROVAL OF TERMS AND CONDITIONS AND RATE SCHEDULES**

Prior to serving customers, Choice One Communications must file and receive Commission approval of terms and conditions that comply with Maine law and the Commission's Rules. Included in the Terms and Conditions must be a provision stating that in the event of such a conflict, the statute or the Commission's rule will control.

In general, the Commission believes that a competitive telecommunications market results in services and rates that benefit the public. However, the Commission requires Choice One to file its rates for our approval as a prerequisite for providing service.

### **IV. OTHER REQUIREMENTS**

Choice One shall comply with all applicable rules of the Commission and statutes of the State of Maine.

### **V. ORDERING PARAGRAPHS**

Accordingly, we

1. Grant, pursuant to 35-A M.R.S.A. §§ 2102 and 2105, the request of Choice One to provide facilities-based competitive local exchange telephone service in the service area(s) of the Portland, Lewiston, Waterville, Augusta, Bangor, Rockland, Scarborough, Camden, Brunswick, Sanford, Ellsworth, and Biddeford exchanges of Verizon-Maine;
2. Order that prior to providing service to customers, Choice One submit proposed terms and conditions and rate schedules for Commission review; and
3. Order that Choice One shall comply with all applicable rules of the Commission.

Dated at Augusta, Maine this 13<sup>th</sup> day of December 2001.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR: Welch

Nugent  
Diamond

NOTE: STAFF PERSON RESPONSIBLE FOR DOCUMENT, CHECK YES OR NO  
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Attach Notice of Rights to Review or Appeal?    Yes \_\_\_\_    No \_\_\_\_  
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## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.